

1 A. Yes.

2 Q. And during that time, one of your  
3 responsibilities had to do with filing tariffs?

4 A. Correct.

5 Q. And updating tariffs?

6 A. Yes.

7 Q. How did you learn to do that?

8 A. It wasn't easy because the  
9 applications that were filed were not saved for  
10 Buzz Telecom anywhere. So I had to redraft the  
11 entire tariff for that state if they called for a  
12 revision.

13 Q. So the process was --

14 A. Anything I did, I saved. Anything  
15 that came in later on, whoever did it before, did  
16 not save. I had to redo the whole process.

17 Q. And when you say "saved," you mean  
18 there's no hard copy in a file?

19 A. Right. There's no disk.

20 Q. There's no soft copy?

21 A. Correct.

1           Q.     That must have made your job so easy.  
2     So take me through how that process would work.  
3     Say a state calls you up and says that we need  
4     you to file an updated tariff; is that how it  
5     would work?

6           A.     Well, when I send them in, I send in  
7     the application, whatever the application calls  
8     for and the tariff. I don't believe that's how  
9     it was done before I came in. I think that they  
10    sent in the application and then letter on, sent  
11    in the tariff when they asked for it.

12          Q.     How would you know when it was time to  
13    file an application and tariff for a particular  
14    state?

15          A.     When I -- after I sent it to the  
16    state, an application and tariff, and get that on  
17    the way, then I go to states that haven't been  
18    certified.

19          Q.     Did you have a list of the states in  
20    which Buzz Telecom was certified?

21          A.     Yes.

1 Q. Were you working off that list?

2 A. Yes. I made my own list.

3 Q. Starting with Alabama and going down?

4 A. Right.

5 Q. And how did you know what tariffs to  
6 file in the particular states?

7 A. Well, there was a basic tariff, and I  
8 sent that with the name of that state in there,  
9 and the correct date. And then they would call  
10 me with any revisions that they wanted me to do  
11 according to whatever their state regulations  
12 were.

13 Q. Is it fair to say that you had a lot  
14 of contact with employees of the state  
15 commissions?

16 A. Yes.

17 Q. How often did you have this kind of  
18 contact in a given week?

19 A. In the beginning, are you talking  
20 about?

21 Q. November, December.

1           A.     November and December, I didn't have a  
2 whole lot, actually.

3           Q.     Why is that?

4           A.     I don't know. A lot of them -- it was  
5 in the beginning, so I didn't send in a whole lot  
6 in November and December.

7           Q.     This was something that you started  
8 doing a lot more of; that is, sending in  
9 applications and tariffs? You started doing more  
10 of that in January and February?

11          A.     Yes.

12          Q.     Were you sending in any applications  
13 and tariffs in November and December?

14          A.     Yes.

15          Q.     And they were all on behalf of Buzz  
16 Telecom, correct?

17          A.     Yes.

18          Q.     And you didn't hear back from the  
19 state commissions in that time period?

20          A.     If they needed stuff, they would call  
21 me, but I didn't get a whole lot of call backs.

1 One of the states I sent in was Idaho, and 11  
2 days after I sent it, I got it back approved  
3 without anything.

4 Q. When you did hear back from them, and  
5 this is at any time, what kind of information  
6 were they looking for?

7 A. Like contact information, maybe  
8 financial statements.

9 Q. What do you mean by "contact  
10 information"?

11 A. Company contact, regulatory contact,  
12 complaint contact.

13 Q. Would you be one of those contacts?

14 A. I actually happen to be all of the  
15 contacts.

16 Q. All of the contacts?

17 A. Correct.

18 Q. And would you also provide financial  
19 statements?

20 A. Yes.

21 Q. What kind of financial statements?

1           A.     Balance sheet, profit and loss, and  
2 cash statement of cash flows.

3           Q.     Was that something that was required  
4 by all states?

5           A.     I believe so, yes.

6           Q.     Did you make it a regular part of your  
7 application and tariff filings to include  
8 financial statements?

9           A.     When they ask for it.

10          Q.     So initially when you send an  
11 application and tariff, you didn't include -- or  
12 you wouldn't regularly include --

13          A.     Unless it specifically asked for it in  
14 the application.

15          Q.     That's fair. But oftentimes even  
16 though they didn't ask for it, they would still  
17 call you back and say "We need financial  
18 statements"?

19          A.     A couple states did that.

20          Q.     And where would you get these  
21 financial statements?

1           A.     Through accounting.

2           Q.     Who in accounting?

3           A.     Rebecca Irwin.

4           Q.     And how would you request that  
5 information?

6           A.     I would just send over a request  
7 stating what I needed, the statements that I  
8 needed. I would usually tell her for what state  
9 it was for.

10          Q.     So the financial statements that you  
11 would send in, were state-specific?

12          A.     No. I would just give her  
13 information.

14          Q.     Such as?

15          A.     I need these statements for, say, the  
16 Maine application.

17          Q.     And was it always the same three types  
18 of financial statements?

19          A.     Yes.

20          Q.     Was it always profit and loss, balance  
21 sheet and --

1           A.     It was either those three or the  
2 balance street and the profit and loss.

3           Q.     Do you supervise anyone now?

4           A.     No.

5           Q.     Did you when you first started?

6           A.     No.

7           Q.     During that very brief time period  
8 between March and June, when you were not  
9 responsible for the complaints, were you  
10 supervising that individual?

11          A.     I was helping her, me and Shannon  
12 Dennie were.

13          Q.     Do you have a good working  
14 relationship with Shannon Dennie?

15          A.     Yes.

16          Q.     And you've been doing it now for nine  
17 months?

18          A.     Yes.

19          Q.     How do you divide up the  
20 responsibilities in the office?

21          A.     We have our own duties outlined.



1 Q. Who outlined those duties?

2 A. Shannon.

3 Q. Do you report to her?

4 A. Yes, I do.

5 Q. Do you do work separate and apart from  
6 what she does?

7 A. Yes.

8 Q. Does she do work that you do not do?

9 A. Yes.

10 Q. Can you give me an example of work  
11 that she does that you do not do?

12 A. I'll do annual reports. She'll do USF  
13 reports or -- is that what you mean?

14 Q. Exactly.

15 MR. HAWA: I have to ask for  
16 clarification here again, because the first  
17 question you asked was does Lisa report to  
18 Shannon. The answer is yes. And now you're  
19 talking about -- is the question: Is there any  
20 work that Lisa does not report to Shannon on? Or  
21 are you just --

1 MR. HARKRADER: I'm trying to figure  
2 out what they do separate and apart from each  
3 other.

4 BY MR. HARKRADER:

5 Q. So for example, you file, did you say,  
6 annual reports?

7 A. Annual reports.

8 Q. And does she see those before you file  
9 them?

10 A. Yes.

11 Q. And those annual reports go to states?

12 A. States and commissions.

13 Q. And what do those annual reports  
14 report?

15 A. It depends on the state. Some just  
16 ask for an update of information, address,  
17 contact, phone number, registered agent. And  
18 some of the reports ask for the earnings for the  
19 past year, how many customers, stuff like that.

20 Q. Is it your understanding that you have  
21 to file these annual reports in every state in

1 which Buzz or BOI is authorized to do business?

2 A. Correct.

3 Q. Do you do any work with Universal  
4 Service -- USF?

5 A. No, I don't. I don't do the  
6 assessment fees, either.

7 Q. What are the assessment fees?

8 A. I don't know. I don't do them. They  
9 come in, but I don't do them. I've seen them,  
10 but I don't do them.

11 Q. Do you know what they measure or  
12 record?

13 A. No.

14 Q. And that's something that Ms. Dennie  
15 does?

16 A. Yes.

17 Q. And she doesn't ever come to you and  
18 ask you to review them?

19 A. No.

20 Q. Are there other responsibilities --  
21 put it this way: Do you have any filings with

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1 state commissions or the FCC that Ms. Dennie does  
2 not review?

3 A. Yes. I did send in some that she did  
4 not review because I did not realize, when I  
5 first started doing them, that she needed to  
6 review them.

7 Q. As a regular policy, do you have any  
8 filings that you send in without having Ms.  
9 Dennie review them?

10 A. Yes.

11 Q. Does anybody in Buzz Telecom or Avatar  
12 review those filings?

13 A. Shannon Dennie does now.

14 Q. When did she not review them?

15 A. When I first started doing them, I  
16 didn't realize that I needed her to review them  
17 in January.

18 Q. What were these filings?

19 A. They were just simple -- a lot of them  
20 were updated information. When they started  
21 asking for earnings of the year or the profits

1 for the prior year, then I started going to  
2 Shannon and asking her for her assistance.

3 Q. And when did you start going to her  
4 for her assistance?

5 A. Probably in February.

6 Q. So as of today, is it fair to say that  
7 any reports or filings that you send out, Ms.  
8 Dennie reviews?

9 A. Yes.

10 Q. No exceptions to that?

11 A. No.

12 Q. Is that -- strike that.

13 Did there come a time when you learned  
14 that the State of Vermont was investigating  
15 Business Options?

16 A. Yes.

17 Q. When was that?

18 A. A couple days after I started.

19 Q. And who told you?

20 A. Shannon did.

21 Q. What did she tell you?

1           A.       Something came in from Vermont through  
2 the mail and she had me read it.

3           Q.       Do you remember about when that was?

4           A.       Probably late November, mid to late  
5 November. I hadn't been there more than a week.

6           Q.       Do you remember what came in the mail?  
7 Was it a letter?

8           A.       It was a letter.

9           Q.       What did that letter say?

10          A.       I don't remember exactly.

11          Q.       Before you received that letter,  
12 before Ms. Dennie gave that letter to you, did  
13 you have any understanding that Vermont was  
14 investigating Business Options?

15          A.       No.

16          Q.       That was the first you heard of it?

17          A.       Yes.

18          Q.       Did Ms. Dennie explain to you about  
19 the investigation by the State of Vermont?

20          A.       Probably a little bit, I don't recall.

21          Q.       Did she ask you to do something in

1 response to that letter?

2 A. She asked me to call the FCC.

3 Q. The FCC?

4 A. Uh-huh.

5 Q. Okay. Do you remember who the letter  
6 was addressed to?

7 A. I believe it was addressed to Bill  
8 Brzycki.

9 Q. Do you know if this is the letter to  
10 which you're referring (indicating)?

11 A. Yes, I believe it is.

12 Q. What you have in front of you is a  
13 letter November 19th; is it not?

14 A. Correct.

15 Q. From Sarah Hoffman at the Vermont  
16 commission?

17 A. Yes.

18 Q. Directed to Mr. Brzycki?

19 A. Correct.

20 Q. Did you read this letter right away?

21 A. Yes.

1 Q. And in paragraph one, subparagraph A,  
2 could you read that out loud, please.

3 A. "Upon board approval of a settlement,  
4 BOI was to initiate the procedure outlined in 47  
5 CFR 63.71 for terminating service to Vermont  
6 customers who are currently being served by BOI.  
7 Also mandates such notice to the PUC Governor and  
8 the U.S. Secretary of Defense. Our agreement  
9 calls for BOI to send notice to the effective  
10 customers in the form of a letter that was  
11 attached to the stipulation."

12 Q. When you first read that, did you have  
13 any idea what the State of Vermont was talking  
14 about when they referenced that rule?

15 A. No.

16 Q. Did you try to find out what that rule  
17 said?

18 A. I did try to.

19 Q. Immediately after reading the letter?

20 A. No.

21 Q. When did you try to find out what that



1 rule said?

2 A. I believe the next day.

3 Q. Did you have any success?

4 A. No.

5 Q. And what did you do to find out what  
6 that rule said?

7 A. I went on-line.

8 Q. Do you remember where you went?

9 A. No, I don't.

10 Q. Reading this letter, did you have any  
11 general idea about what that rule referred to?

12 A. No.

13 Q. Did you understand, either before or  
14 after you read the letter, that BOI was required  
15 to discontinue service in Vermont?

16 A. Can you repeat that?

17 Q. Did you understand, either before or  
18 after you read this letter, that BOI was required  
19 to discontinue service --

20 MR. HAWA: They signed a voluntary  
21 stipulation.

1           Q.     Did you understand, when you read this  
2 letter, that Vermont and BOI entered into an  
3 agreement whereby BOI would discontinue service  
4 in Vermont?

5           A.     Before I read the letter, no.

6           Q.     Afterwards?

7           A.     Not really.

8           Q.     What is your understanding of what  
9 this letter was about?

10          A.     I really didn't understand a lot of it  
11 at that time. I didn't know what was going on.  
12 I didn't know that it had been going on -- the  
13 correspondence between BOI and Vermont, is what I  
14 mean. It seemed like everything was happening so  
15 fast and they wanted everything done.

16          Q.     Who is "they"?

17          A.     Vermont.

18          Q.     Did you look at this as if it was a  
19 big deal?

20          A.     Yes, I did.

21          Q.     I assume that even though at this time

1     you hadn't -- you'd been on the job more than  
2     maybe a week or two and you probably hadn't had a  
3     whole lot of interaction with state commissions.  
4     This was the first time that you had actually  
5     received a letter from a state commission?

6             A.     Yes.

7             Q.     What did you understand was your  
8     responsibility to do after reading this letter?

9             A.     To be honest, I didn't know what to do  
10    after I read the letter.

11            Q.     And Ms. Dennie had suggested that you  
12    call the FCC?

13            A.     Correct.

14            Q.     And did you do that?

15            A.     Yes.

16            Q.     Who did you speak to?

17            A.     John Mincoff.

18            Q.     Was that the first person you called?

19            A.     Yes.

20            Q.     How did you get his name?

21            A.     I don't recall. I don't think anybody

1 gave it to me. I believe I called and told him  
2 the situation and they directed me to him.

3 Q. And what did you say to Mr. Mincoff  
4 when you first spoke to him?

5 A. I just told him what I received, and  
6 told him I didn't understand what it was. And he  
7 told me that I needed to file a Discontinuance  
8 Application.

9 Q. With whom?

10 A. With them.

11 Q. With the FCC?

12 A. Correct.

13 Q. Did he tell you anything else?

14 A. At that time, I don't think so.

15 Q. What did you say to him after he told  
16 you you needed to file a Discontinuance  
17 Application with the FCC?

18 A. I asked him if he had an example that  
19 I could look at.

20 Q. Did he?

21 A. Yes.

1 Q. Did he send it to you?

2 A. Yes.

3 Q. Do you remember when he sent that to  
4 you?

5 A. I believe it was the next day. It was  
6 either the same day or the next day, I don't  
7 remember.

8 Q. In any event, it would have been very  
9 soon thereafter you spoke to him?

10 A. He faxed it to me.

11 Q. I may have already asked you this:  
12 What is your memory as to when Ms. Dennie gave  
13 you this letter?

14 A. It was within the first week I was  
15 there. I don't think I was there longer than a  
16 week.

17 Q. And you started in November?

18 A. Correct.

19 Q. I'm going to show you, Ms. Green, a  
20 copy of a fax cover sheet with a fax behind it  
21 that's dated December 18th.

1 A. Okay.

2 Q. Is that what --

3 A. This was after the letter to  
4 customers -- I think I'm getting confused with  
5 the timeframes.

6 Q. That's what I wanted to clear up. So  
7 did you speak to either Mr. Mincoff or Mr. Adams  
8 in November?

9 A. I don't believe so. I'm thinking  
10 of -- I apologize. I'm thinking of beyond the  
11 Discontinuance Letter that went out.

12 Q. Does that also jog your memory with  
13 respect to when you received the November --

14 A. No. I received this in November.

15 Q. From Ms. Dennie?

16 A. Correct.

17 Q. And she asked you to call the FCC?

18 A. That's where I think I got confused.  
19 After the Discontinuance Letter went out, that's  
20 when I called the FCC, after the Discontinuance  
21 Letter went out to all customers.

1           Q.     What did Ms. Dennie ask you to do when  
2 she handed you this November 19th letter?

3           A.     I believe she told me that we needed  
4 to write a letter.

5           Q.     To whom?

6           A.     To the Vermont customers, a  
7 Discontinuance Letter.

8           Q.     Okay. Did she ask you to contact the  
9 Vermont commission?

10          A.     No.

11          Q.     Did she say anything about the Vermont  
12 commission?

13          A.     She was in contact with Vermont.

14          Q.     She was. Did she tell you that she  
15 was going to be in contact with the Vermont  
16 commission?

17          A.     No. She didn't tell me, but I  
18 remember mentioning Sarah's name, that she had  
19 talked to Sarah. And I have never talked to  
20 Sarah.

21          Q.     And Sarah is Ms. Sarah Hoffman at the

1 Vermont commission?

2 A. Correct.

3 Q. Around the same time period, did you  
4 also receive or were you aware that Business  
5 Options received a letter from the FCC alleging  
6 that Business Options had slammed a number of  
7 customers?

8 A. I don't recall receiving that.

9 Q. Do you recall hearing anything about  
10 that at that time?

11 A. No.

12 Q. I'm going to show you a letter dated  
13 November 1st from the FCC and directed to the  
14 legal department at Business Options. Do you  
15 recall ever receiving that letter in November of  
16 2002?

17 A. No.

18 Q. Have you seen that letter before right  
19 now?

20 A. Yes.

21 Q. When was that?



1           A.     Probably a couple months ago.

2           Q.     Are you able to be a little more  
3 precise? Was it November, December or January?

4           A.     No.

5           Q.     February, March or April?

6           A.     Around that time.

7           Q.     And at that time, do you remember how  
8 you saw that letter during that time?

9           A.     I was looking for something in the  
10 Vermont file and I saw it there.

11          Q.     Did you read it at that time?

12          A.     A little bit, I did.

13          Q.     Did you ask somebody about it?

14          A.     No.

15          Q.     Did you take any action with respect  
16 to that letter when you saw it?

17          A.     No.

18          Q.     So the first time you saw it was in  
19 February, March or April, roughly, and of this  
20 year?

21          A.     Correct.